

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL KUYKENDALL,

Plaintiff,

-against-

BANKRS HEALTHCARE GROUP LLC and
TD BANK USA, N.A.,

Defendants.

24-cv-3694 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

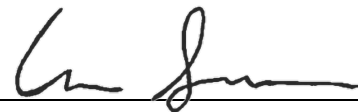
Plaintiff initiated this suit by notice and summons in state court. Dkt. 1 ¶ 1. Defendant TD Bank removed the suit to federal court on May 14, 2024. Dkt. 1. Plaintiff has not filed a notice of appearance or responded to TD Bank's motion to dismiss, despite the Court's warning that his continued inaction would lead to dismissal. Dkt. 32.

The Court can't adjudicate a case without a plaintiff or a complaint. By November 30, 2024, plaintiff must file an appearance in this case. If he does not do so, the case will be dismissed for failure to prosecute. *See McLean v. City of New York*, 2007 WL 415138, at *4 (S.D.N.Y. Feb. 6, 2007) ("A court should not have to beg the parties before it to litigate the cases they initiate."). This is plaintiff's **final warning**.

Defendant is hereby ORDERED to serve this order on plaintiff by certified mail by November 8, 2024, and file proof of service on the docket.

SO ORDERED.

Dated: November 7, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge